



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, FEBRUARY 27, 2019
AT 6:30 P.M.**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Schwary called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Brouse*.

ROLL CALL

MEMBERS PRESENT: Commissioners Anderson, Aspinall, Brouse, Verrinder, Walker, Chair Schwary

ALSO PRESENT: Development Services Director/Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Senior Administrative Assistant Davidson, Assistant City Attorney Flower

ELECTION: Election of Vice Chair to fill vacant seat

Moved by *Commissioner Anderson*, to elect *Commissioner Aspinall* as the Planning Commission's Vice Chair.

The motion was seconded by *Commissioner Verrinder*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Brouse, Verrinder, Walker, Chair Schwary

NAYS: None ABSTAINED: Commissioner Aspinall

ABSENT: None

APPROVAL/MINUTES

Chair Schwary announced *Commissioner Brouse* has reviewed the recording of the last Planning Commission meeting of January 23, 2019 and will therefore, be able to vote on this item.

Moved by *Vice Chair Aspinall*, to approve of the minutes of the Planning Commission meeting of January 23, 2019, as corrected.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Brouse, Verrinder, Walker, Vice Chair Aspinall, Chair Schwary

NAYS: None ABSTAINED: None

ABSENT: None

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

COUNCIL ACTIONS

Chair Schwary deferred to new *Development Services Director Robert Dalquest* who introduced himself to the Commission.

Development Services Director Dalquest reported on January 28, 2019, City Council approved a Final Tract Map 20117; instructed the City Clerk to post a vacancy on the Planning commission and has received applications which are currently being reviewed. There were no Planning Commission related items on the meeting of February 11, 2019 and on February 25, 2019, City Council approved the final parcel map for 19856, The Colonies Partners; Council considered and approved the street vacation related to the alley in connection with a medical building and Council considered and approved a request by Ford of Upland to amend the Owner's Participation Agreement, extending the project deadline.

FUTURE AGENDAS

Contract Planning Manager Poland reported the Planning Commission will consider four items for Conditional Use Permits pertaining to four restaurants that are requesting liquor licenses.

ORAL COMMUNICATIONS

At the request of *Chair Schwary*, *Assistant City Attorney Flower* discussed providing Planning Commission Members' personal emails to the public and addressed potential legal ramifications. He offered to discuss the matter with the Development Services Director and provide feedback to the Commission in the near future.

Chair Schwary stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Seeing no one wishing to address the Planning Commission, *Chair Schwary* closed Oral Communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 18-05, SITE PLAN REVIEW NO. 18-11, DESIGN REVIEW NO. 18-15 AND ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-0071. (Continued from January 23, 2019).

The proposed project is requesting to demolish two (2) existing buildings and replace them with a new 10,000 square foot building, which will house four new quick service restaurants, one of which will have a drive-thru window, an additional retail space, and associated modifications to the existing parking lot, landscaping and frontage road for property located in the Upland Town Square, within the C/R-MU (Commercial/Residential Mixed-Use general plan and zoning designation.

Project location: 913 W. Foothill Boulevard, Upland, CA 91786, APN: 1045-602-30.

STAFF:	Mike Poland, Contract Planning Manager
APPLICANT:	Jonathan Weber Architecture Design Collaborative 23231 South Pointe Drive Laguna Hills, CA 92653
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Hold a public hearing and receive testimony from the public;

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

	<ol style="list-style-type: none">3. Find that the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, Class 3 (c), of the California Environmental Quality Act Guidelines; and4. Move to adopt a Resolution approving Conditional Use Permit No. 18-05, Site Plan Review No. 18-11, and Design Review No. 18-15, with the new conditions implementing the requirements for the proposed modifications to the westernmost ingress/egress driveway as set forth in the Draft Resolution dated February 27, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending March 11, 2019

Contract Planning Manager Poland presented the report addressing the Planning Commission's previous actions and suggested the Chair request that the applicant's Traffic Engineer provide a presentation on their findings and recommendations.

Chair Schwary invited the applicant forward for a presentation.

Andrew Gracey, Vice President of Development, Brixmor Property Group, addressed previous discussions on this project and deferred to *Jason Melchor*, Kimley-Horn and Associates, for a report on the results of their study.

Jason Melchor, Kimley-Horn and Associates, presented details of their report addressing site observation during peak hours, site distance, ingress/egress, accident history for the specific intersection, circulation within the site and a new site plan showing modifications to the road.

Chair Schwary addressed the proposed road modifications and expressed his appreciation at the developer listening and responding to the concerns of the Planning Commission.

Vice Chair Aspinall asked about the adequacy of the proposed drive-through and *Mr. Gracey* reported they have allocated queuing for twelve cars which will be more than adequate for the site. He added that if they were to allocate additional queuing, it would run into their parking lot and contained within their site. *Chair Schwary* noted there is a four-way stop sign included in the new plan.

Chair Schwary opened the public hearing. Seeing and hearing no one wishing to address the Planning Commission on this item, *Chair Schwary* closed the public hearing.

Commissioner Verrinder commented positively on the new design of the parking lot.

Chair Schwary thanked the applicant for being flexible and considering the concerns of the Planning Commission.

Moved by *Chair Schwary*, to find that the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, Class 3 (c), of the California Environmental Quality Act Guidelines; and to adopt a Resolution approving Conditional Use Permit No. 18-05, Site Plan Review No. 18-11, and Design Review No. 18-15, with the new conditions implementing the requirements for the proposed modifications to the westernmost ingress/egress driveway as set forth in the Draft Resolution dated February 27, 2019.

The motion was seconded by *Commissioner Verrinder*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Brouse, Verrinder, Walker, Vice Chair Aspinall, Chair Schwary

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

NAYS: None ABSTAINED: None

ABSENT: None

Chair Schwary announced the passing of the owner Genevieve's, a business that will be presenting a project to the Planning Commission in the future and asked for a moment of silence in his honor and his family.

2. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 17-05, SITE PLAN REVIEW NO. SP 17-16, AND DESIGN REVIEW NO. DR 17-22. (Continued from January 23, 2019).

The proposed project is requesting approval to allow the installation of a 55 foot tall telecommunication tower (Mono-eucalyptus) and equipment building attached to the existing restroom within the Park/Open Space (P-OS) General Plan Designation and Open Space (OS) zone located at McCarthy Park.

Project location: 2040 N. San Antonio Avenue, APN: 1043-541-27.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Melissa Francisco of J5 Infrastructure Partners on behalf of AT&T 2030 Main Street, Suite 200 Irvine, CA 92614
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none">1. Receive staff's presentation;2. Hold a public hearing and receive testimony from the public;3. Find that the project is Categorically Exempt from environmental proceedings pursuant to Section 15303, Class 3 Construction or Conversion of Small Structures, of the California Environmental Quality Act Guidelines; and4. Move to adopt a Resolution approving Conditional Use Permit No. CUP 17-05, Site Plan Review No. SP 17-16 and Design Review No. DR 17-22, subject to conditions of approval as set forth in the draft resolution dated February 27, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending March 11, 2019

Associate Planner Winter presented details of the staff report addressing location of the proposed cell tower, General Plan and zoning designations, background, previous consideration by the Planning Commission, original and new designs, height of the tower, additional screening, setbacks, residential separation, findings and recommendations.

Vice Chair Aspinall reported visiting the site installed at Flowers Field and inquired if the proposed cell tower at McCarthy Park will have the same specifications and also be surrounded by eucalyptus trees. *Associate Planner Winter* reported the cell site at Flowers Field is between 55 and 65 feet and is a Verizon tower.

Commissioner Verrinder added there are no eucalyptus trees at McCarthy Park.

Commissioner Brouse reported there are five trees proposed to be added for camouflage and noted they are not very big. He suggested the applicant may want to plant larger trees for camouflage if the project is approved.

Vice Chair Aspinall reported researching the topic and stated that the proposed trees will be the same size of the as the larger tree boxes, within one year.

Chair Schwary invited the applicant forward.

Filipe Figueroa, Director of Internal Affairs, AT&T, addressed their data increase in the last ten years, changes in cellphone usage, increased demand and their need for increased capacity. He reported their plan is to have the best

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

location of towers with minimal effects to neighbors. He discussed the costs of the sites, noted AT&T is the exclusive provider for First Net, a network for first-responders allowing them priority and preemption, during natural disasters and at other times. He offered to respond to questions from the Planning Commission.

Chair Schwary asked what AT&T would do if there was no park on the site. *Mr. Figueroa* reported small cells are the next evolution of the technology and added they are working with staff to develop a small license agreement to allow small-cell deployment to the City on existing light posts. *Chair Schwary* reported there is a cell site at the flagpole near the existing Fire Station by the park and asked whether that pole can be adapted for the proposed cell site. *Mr. Figueroa* indicated it is not big enough for the capacity they need.

Associate Planner Winter added the pole at the Fire Station is within 200 feet of residential land uses and was installed as a legal, non-conforming use; it was permitted at the time it was built, but now the Zoning Code has changed, and it would not be allowed, today. Therefore, it can only be expanded by a certain amount, thereby limiting the height of the tower and any other cell provider interested in installing a cell site there.

Commissioner Verrinder asked how much coverage could improve by modifying the pole, versus installing a new site.

Melissa Francisco, J5 Infrastructure Partners on behalf of AT&T, reported the flag pole is not a full macro site. It would need to be a height of over 70 feet to get the coverage of the new proposed site. It would not get near the coverage supplied by the new site.

Commissioner Verrinder asked if the flagpole site would qualify for a small cell site and *Mr. Figueroa* reported they do not yet have any small-cell deployment maps available. He added small cells work off macro sites and it would depend on the data use in that area. The small cell site will not do what the macro cell site will.

Commissioner Walker inquired whether a small cell is an amplifier or its own tower and also inquired about the coverage.

In response to *Commissioner Walker's* question, *Mr. Figueroa* noted the small cell site is its own site but covers approximately 700-1,500 feet depending on obstructions. He added the new site will be for 4G LTE and reported 5G has not yet been deployed in the area.

Chair Schwary reported this site is located at 20th and San Antonio and noted land on 21st and Campus. He asked about the possibility of having another site for the proposed project. *Mr. Figueroa* addressed the process for determining the location of cell sites.

Vice Chair Aspinall asked how much longer before the deployment of the next generation of technology and *Mr. Figueroa* stated it will be coming within another year or two. Additional equipment will be needed to upgrade existing macro and small cell sites to 5G technology.

Commissioner Walker inquired whether First Net is currently active or if it will be in the future.

In response to *Commissioner Walker's* inquiry, *Mr. Figueroa* reported First Net is currently active. He added 99% of all of their macro cell sites will need to add First Net.

In response to *Commissioner Verrinder's* question, *Mr. Figueroa* reiterated AT&T will be the exclusive provider for First Net for the next 25 years.

Assistant City Attorney Flower addressed the public hearing process, the Planning Commission's purview and FCC compliance. He added the City cannot deny a cell project based on the health effects of radio frequency emissions to the extent the project will comply with FCC standards.

Chair Schwary opened the public hearing.

Steve Carvalho, Upland, reported notices were not posted in the park and there will be no EIR. He voiced opposition to locating cell towers in City parks and urged the Planning Commission to vote against the project.

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

Natasha Walton, Upland, listed concerns and asked the Planning Commission to vote against the project. She spoke on the effects of electro-magnetic fields to wildlife and urged the Commission to support the City's policy in terms of protecting wildlife. She added cellphone towers are not for recreational facilities and urged the Planning Commission to follow its own policies. *Ms. Walton* discussed details of an email she sent to *Commissioner Verrinder* and referenced applicable legal cases dealing with this matter.

Terri D. reiterated comments expressed during the last Planning Commission meeting regarding this item. She indicated the proposed structure and tower feels out of place and suggested other locations for installation as well as enhancing the site on the flag pole near the Fire Station and colocation of providers. In addition, she noted parks belong to the community and there seems to be less and less open space.

Brigitte James, Upland, spoke in support of the project, or something like it. She reported taking her son to McCarthy Park and noted challenges in getting cell service. She spoke about the importance of access to healthcare professionals, reliance of cell lines when power is lost, and landlines are unusable and converting cellphones into hotspots when internet use is limited.

Hydee Hall, Upland, acknowledged the lack of coverage in the area by AT&T and understood the need for increased capacity, but stated concerns about locating the tower at McCarthy Park. She expressed concerns with the aesthetics, noted there are no other trees near the site, commented on other towers in the City surrounded by dead palm trees, and asked about the financial gain for the City resulting in the project. She agreed with *Chair Schwary's* suggestion of 21st and Campus and suggested finding another location for the cell tower.

Lois Sicking Dieter, Upland, spoke in opposition to locating the proposed cell tower in McCarthy Park. She opined the tower is unsightly, commented on the height of the representation of proposed tower as not being accurate and addressed the trees that are proposed to be installed adding that they too have been misrepresented. She commented on her experience as a Parks and Recreation Commission and the opening of the park and noted the park was dedicated for park activity. She stated the citizens of Upland do not support the project and presented a true rendition of the project as done by architect. She noted the applicant's rendition was a misrepresentation and wondered what else they have misrepresented and asked about the footprint. Additionally, she addressed emissions related to 4G and 5G, stated there are still a lot of "unknowns" and asked the Planning Commission to deny the project.

April McCormick spoke in opposition to the project, addressed previous proposals by Mobility, commented on 5G technology becoming more popular, noted the launch of new satellites for 5G technology, and expressed concerns with unknown data related to wave emissions. She referenced a legal case in Mount Baldy along with medical studies related to radiation and urged the Planning Commission consider another location for the cell tower.

Irmalinda Osuna, Upland, expressed opposition to the project, referenced a letter by Senator Blumenthal with concerns about cell towers, noted many studies still in progress, and felt the Planning Commission should consider health and safety hazards. She added she does not trust AT&T nor the FCC and felt AT&T and Verizon are monopolizing the industry and urged the Planning Commission to look at all of the issues of concern and look at the big picture. She suggested expanding fiber optics instead of a cell tower.

Brinda Sarathy, Upland, urged the Planning Commission to deny the project; suggested the Planning Commission consider the scale of the tower in relation to a small park footprint and expressed concerns with aesthetics. She suggested locating the facility elsewhere rather than on public property; commented on negative effects to wildlife and habitats; noted neighboring communities that have opposed similar projects and asked the Planning Commission not to set a precedence. In terms of first responders, she warned the Planning Commission about the dangers of fear-mongering; stated uncertainty does not necessarily mean safety; urged the Commission to think more holistically about public health and questioned why the FCC has determined the City cannot consider impacts to public health. She urged the Planning Commission to deny the project and think about other possible locations for a cell tower.

Steve Bierbaum, Upland, discussed his experience with AT&T and stated it is possible to get cell coverage by AT&T in residents' homes, if they want it. He urged the Planning Commission to vote "no" and asked about the revenue benefits to the City.

Chair Schwary reported the information is available but he does not want to know as he does not want that to be a part of his decision.

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

Mr. Bierbaum stated his biggest opposition to the project is the proposed location. He noted McCarthy Park is surrounded by residential areas and suggested there must be other locations for the tower as well as other options.

Jeff Gilmar, expressed health and safety concerns, felt there are still many unknowns, commented on differences in coverage and in phones, and stated many residents did not receive notice of the item. He referenced the cell site on the flag pole at the Fire Station and stated they are not allowed near Fire Stations, any longer. He asked the Planning Commission to give the item careful consideration and felt there is not enough knowledge about the health effects of the site.

Chair Schwary closed the public hearing and thanked residents for their comments.

Commissioner Verrinder felt it is not fair to label AT&T as the bad guy adding that the site was determined in conjunction with City staff and identified as best use. She stated she advocates for open space and commented on the need for smart planning. She mentioned the housing crisis and the push to build more developments and homes but noted the importance of maintaining open space. She believed that the proposed tree is not appropriate, does not fit and is three times the height of existing trees. She acknowledged the lack of coverage in the area by AT&T but believed there are other solutions that can be generated working closely with staff. She indicated the site does not belong in open spaces or in City parks.

Commissioner Anderson agreed the City should not build in all vacant lots, reported visiting the park and felt the proposed site is appropriate. She added there are cell towers in every park in the City and has not found them to be obtrusive.

Commissioner Walker noted AT&T is the only network that will have the First Responders' network for the next 25 years and felt that voting against it would be voting against the community's safety. She believed having the infrastructure is an investment in the community and will enhance the community's quality of life and hopefully will increase property values.

Commissioner Brouse agreed with *Commissioners Anderson and Walker* and felt the site is appropriate for the proposed location.

Vice Chair Aspinall stated she supports preserving park space; acknowledged the need to improve cell coverage; commented on the renderings and asked whether the Planning Commission may continue the item again to get additional clarification relative to the renderings and their accuracy.

Assistant City Attorney Flower indicated the Planning Commission could continue the matter.

Associate Planner Winter reported *Ms. Sicking Dieter's* renderings did not account for the perspective.

Vice Chair Aspinall would appreciate continuing the matter for City staff to be able to clarify the issue. Additionally, she would like to consider the possibility of alternate locations and wondered if these have been exhausted.

Chair Schwary commented on the diversity of the Commission and if the park were not there, AT&T would find another location to provide cell coverage. He indicated he will vote against the project because he does not believe it is appropriate at McCarthy Park.

Commissioner Walker inquired whether other locations have been identified by AT&T that are not on park property. *Chair Schwary* asserted if they had, they would have addressed them. He felt as a Commission, Members need to take a stand about preserving open space.

Moved by *Vice Chair Aspinall*, to continue the item to the next meeting for clarification regarding the accuracy of the renderings and learn whether alternate locations have been considered.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Brouse, Walker, Vice Chair Aspinall

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

NAYS: Commissioner Verrinder, Chair Schwary ABSTAINED: None

ABSENT: None

3. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 18-10.

The proposed project is requesting approval to allow the establishment of live entertainment and kitchen facilities at an existing microbrewery currently holding a Type 23 Small Beer Manufacturing License which includes the manufacturing, onsite and offsite sale of beer, and the onsite sale of cider and wine within the Historic Downtown Upland Specific Plan (SP) General Plan Designation, and is zoned Historic Downtown Upland Specific Plan with a land use designation of Old Town District and a Historic Core overlay zone.

Project location: 167 N. 2nd Avenue, APN: 1046-592-15.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Voski Group, LLC. 167 N. 2nd Avenue Upland, CA 91786
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none">1. Receive staff's presentation;2. Hold a public hearing and receive testimony from the public;3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act Guidelines; and4. Move to adopt a Resolution approving Conditional Use Permit 18-10, subject to conditions of approval as set forth in the Draft Resolution dated February 27, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending March 11, 2019

Associate Planner Winter presented details of the report addressing location of the existing business, existing ABC license and their request for the addition of live entertainment and kitchen facilities. He addressed operating hours, beer production days, restaurant operating hours and proposed hours for live entertainment. He referenced a supplemental memo correcting a mistake in the staff report and the resolution. *Associate Planner Winter* presented information regarding the floorplan, the kitchen and brewery, and location of the live entertainment. He addressed findings, conditions of approval and recommendations.

Vice Chair Aspinall inquired about the floor plan and open space.

In response to *Vice Chair Aspinall's* question, *Associate Planner Winter* addressed the location of doors.

Chair Schwary invited the applicant forward.

Neil and Nikki Voskeritchian, Owners, it was always their intention to add a kitchen and offer live entertainment but wanted to get established before adding this aspect. They want to help improve the downtown and are excited to bring a new BBQ food to the area.

Chair Schwary opened the public hearing.

Natasha Walton, Upland, expressed excitement that the venue will offer food and commented positively on the proposed project.

**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION**

FEBRUARY 27, 2019

Chair Schwary closed the public hearing.

Moved by *Commissioner Verrinder*, to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act Guidelines; and adopt a Resolution approving Conditional Use Permit 18-10, subject to conditions of approval as set forth in the Draft Resolution dated February 27, 2019.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Brouse, Verrinder, Walker, Vice Chair Aspinall, Chair Schwary

NAYS: None ABSTAINED: None

ABSENT: None

BUSINESS ITEMS - None

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Schwary* adjourned the meeting at 8:50 P.M., to the regular meeting of the Planning Commission on March 27, 2019 at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission